

House File 2334

H-8216

1 Amend House File 2334 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 123.3, subsection 35, Code
5 2016, is amended to read as follows:

6 35. "Pharmacy" means a drug store in which drugs
7 and medicines are exposed for sale and sold at retail,
8 or in which prescriptions of licensed physicians and
9 surgeons, dentists, prescribing psychologists, or
10 veterinarians are compounded and sold by a registered
11 pharmacist.

12 Sec. 2. Section 124.101, subsection 26, paragraph
13 a, Code 2016, is amended to read as follows:

14 a. A physician, dentist, podiatric physician,
15 prescribing psychologist, veterinarian, scientific
16 investigator or other person licensed, registered, or
17 otherwise permitted to distribute, dispense, conduct
18 research with respect to, or to administer a controlled
19 substance in the course of professional practice or
20 research in this state.

21 Sec. 3. Section 147.107, subsections 1 and 2, Code
22 2016, are amended to read as follows:

23 1. A person, other than a pharmacist, physician,
24 dentist, podiatric physician, prescribing psychologist,
25 or veterinarian who dispenses as an incident to the
26 practice of the practitioner's profession, shall not
27 dispense prescription drugs or controlled substances.

28 2. a. A pharmacist, physician, dentist, ~~or~~
29 podiatric physician, or prescribing psychologist
30 who dispenses prescription drugs, including but not
31 limited to controlled substances, for human use, may
32 delegate nonjudgmental dispensing functions to staff
33 assistants only when verification of the accuracy
34 and completeness of the dispensing is determined by
35 the pharmacist or practitioner in the pharmacist's

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1 or practitioner's physical presence. However, the
2 physical presence requirement does not apply when a
3 pharmacist or practitioner is utilizing an automated
4 dispensing system or when a pharmacist is utilizing
5 a tech-check-tech program, as defined in section
6 155A.3. When using an automated dispensing system the
7 pharmacist or practitioner shall utilize an internal
8 quality control assurance plan that ensures accuracy
9 for dispensing. When using a tech-check-tech program
10 the pharmacist shall utilize an internal quality
11 control assurance plan, in accordance with rules
12 adopted by the board of pharmacy, that ensures accuracy
13 for dispensing. Verification of automated dispensing
14 and tech-check-tech accuracy and completeness remains
15 the responsibility of the pharmacist or practitioner
16 and shall be determined in accordance with rules
17 adopted by the board of pharmacy, the board of
18 medicine, the dental board, ~~and~~ the board of podiatry,
19 and the board of psychology for their respective
20 licensees.

21 *b.* A dentist, physician, ~~or~~ podiatric physician,
22 or prescribing psychologist who dispenses prescription
23 drugs, other than drug samples, pursuant to this
24 subsection, shall report the fact that they dispense
25 prescription drugs with the practitioner's respective
26 board at least biennially.

27 *c.* A physician, dentist, ~~or~~ podiatric physician,
28 or prescribing psychologist who dispenses prescription
29 drugs, other than drug samples, pursuant to this
30 subsection, shall offer to provide the patient with
31 a written prescription that may be dispensed from a
32 pharmacy of the patient's choice or offer to transmit
33 the prescription orally, electronically, or by
34 facsimile in accordance with [section 155A.27](#) to a
35 pharmacy of the patient's choice.

1 Sec. 4. NEW SECTION. 148.13A Board authority over
2 **physicians supervising certain psychologists.**

3 The board of medicine shall, in consultation with
4 the board of psychology, establish by rule all of the
5 following:

6 1. Specific minimum standards for the appropriate
7 supervision of a psychologist prescribing medication
8 pursuant to a conditional prescription certificate
9 under chapter 154B. Such standards shall include
10 requiring a physician serving as a supervising
11 licensed physician to notify the board of medicine
12 of the identity of the psychologist the physician
13 is supervising and any change in the status of the
14 supervisory relationship.

15 2. The process for initiating and conducting
16 disciplinary proceedings under chapter 17A if a
17 licensed physician fails to adequately supervise a
18 psychologist prescribing psychotropic medications
19 pursuant to a prescription certificate under
20 chapter 154B. The rule shall take into account
21 the deliberations of the board in making such a
22 determination.

23 Sec. 5. Section 154B.1, Code 2016, is amended to
24 read as follows:

25 **154B.1 Definition Definitions.**

26 As used in this chapter, unless the context
27 otherwise requires:

28 1. "Board" means the board of psychology created
29 under chapter 147.

30 2. "Collaborative practice agreement" means a
31 written agreement between a prescribing psychologist
32 and a licensed physician that establishes clinical
33 protocols, practice guidelines, and care plans
34 relevant to the scope of the collaborative practice.
35 The practice guidelines may include limitations

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1 on the prescribing of psychotropic medications by
2 psychologists and protocols for prescribing to special
3 populations including patients who are less than
4 seventeen years of age or over sixty-five years of
5 age, patients who are pregnant, and patients with
6 serious medical conditions including but not limited to
7 heart disease, cancer, stroke, seizures, and patients
8 with developmental disabilities and intellectual
9 disabilities.

10 3. "Collaborative relationship" means a cooperative
11 working relationship between a prescribing psychologist
12 or a psychologist with a conditional prescription
13 certificate and a licensed physician in the provision
14 of patient care, including diagnosis and cooperation
15 in the management and delivery of physical and mental
16 health care.

17 4. "Conditional prescription certificate" means a
18 document issued by the board to a licensed psychologist
19 that permits the holder to prescribe psychotropic
20 medication under the supervision of a licensed
21 physician pursuant to this chapter.

22 5. "Practice of psychology" means the application
23 of established principles of learning, motivation,
24 perception, thinking, and emotional relations to
25 problems of behavior adjustment, group relations, and
26 behavior modification, by persons trained in psychology
27 for compensation or other personal gain. The
28 application of principles includes, but is not limited
29 to: Counseling and the use of psychological remedial
30 measures with persons, in groups or individually, with
31 adjustment or emotional problems in the areas of work,
32 family, school, and personal relationships; measuring
33 and testing personality, intelligence, aptitudes,
34 public opinion, attitudes, and skills; and the teaching
35 of such subject matter, and the conducting of research

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1 on the problems relating to human behavior.

2 6. "Prescribing psychologist" means a licensed
3 psychologist who holds a valid prescription
4 certificate.

5 7. "Prescription certificate" means a document
6 issued by the board to a licensed psychologist that
7 permits the holder to prescribe psychotropic medication
8 pursuant to this chapter.

9 8. "Psychotropic medication" means a controlled
10 substance or dangerous drug that shall not be
11 dispensed or administered without a prescription
12 and that has been approved by the federal food and
13 drug administration for the treatment of mental
14 disorders, as defined by the most current diagnostic
15 and statistical manual of mental disorders published
16 by the American psychiatric association or the most
17 current version of the international classification of
18 diseases, and that is listed as a psychotherapeutic
19 agent in the American hospital formulary service.
20 "Psychotropic medication" does not include narcotics.

21 **Sec. 6. NEW SECTION. 154B.9 Drugs — medicine.**

22 1. Except as provided in subsections 2 and 3, a
23 psychologist shall not administer or prescribe drugs
24 or medicine.

25 2. A licensed psychologist holding a conditional
26 prescription certificate may prescribe psychotropic
27 medication under the supervision of a licensed
28 physician pursuant to this chapter.

29 3. A prescribing psychologist may prescribe
30 psychotropic medication pursuant to this chapter.

31 **Sec. 7. NEW SECTION. 154B.10 Conditional**
32 **prescription certificate.**

33 1. An applicant for a conditional prescription
34 certificate shall be granted a certificate by the
35 board if the applicant satisfies all of the following

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1 requirements:

2 *a.* Holds a current license to practice psychology
3 in this state.

4 *b.* Completed pharmacological training from an
5 institution approved by the board or from a provider of
6 continuing education approved by the board.

7 *c.* Passed a national certification examination
8 approved by the board that tested the applicant's
9 knowledge of pharmacology in the diagnosis, care, and
10 treatment of mental disorders.

11 *d.* Within five years immediately preceding the date
12 of application, successfully completed a post-doctoral
13 master of science degree in clinical psychopharmacology
14 approved by the board of psychology. The program
15 shall at a minimum include coursework in neuroscience,
16 pharmacology, psychopharmacology, physiology, and
17 appropriate and relevant physical and laboratory
18 assessments.

19 *e.* Within five years immediately preceding the date
20 of application, has been certified by the applicant's
21 supervising physician as having successfully completed
22 a supervised and relevant clinical experience of
23 no less than an eighty-hour practicum in clinical
24 assessment and pathophysiology and an additional
25 supervised practicum of at least four hundred hours
26 treating no fewer than one hundred patients with mental
27 disorders. The practica shall have been supervised
28 by a trained physician. The board shall determine
29 whether the practica is sufficient to competently train
30 the applicant in the treatment of a diverse patient
31 population.

32 *f.* Possesses malpractice insurance that will
33 cover the applicant during the period the conditional
34 prescription certificate is in effect.

35 *g.* Meets all other requirements, as determined by

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1 rules adopted by the board, for obtaining a conditional
2 prescription certificate.

3 2. A conditional prescription certificate is valid
4 for four years, at the end of which the holder may
5 apply again pursuant to the provisions of subsection 1.

6 3. A psychologist with a conditional prescription
7 certificate may prescribe psychotropic medication under
8 the supervision of a licensed physician subject to all
9 of the following conditions:

10 a. The psychologist shall continue to hold a
11 current license to practice psychology in this state
12 and continue to maintain malpractice insurance.

13 b. The psychologist shall inform the board of
14 the name of the physician under whose supervision the
15 psychologist will prescribe psychotropic medication
16 and promptly inform the board of any change of the
17 supervising physician.

18 c. A physician supervising a psychologist
19 prescribing psychotropic medication pursuant to a
20 conditional prescription certificate shall be subject
21 to disciplinary action pursuant to section 148.13A
22 for the acts and omissions of the psychologist while
23 under the physician's supervision. This provision does
24 not relieve the psychologist from liability for the
25 psychologist's acts and omissions.

26 **Sec. 8. NEW SECTION. 154B.11 Prescription**
27 **certificate.**

28 1. An applicant for a prescription certificate
29 shall be granted a certificate by the board if the
30 applicant satisfies all of the following requirements:

31 a. Possesses a conditional prescription certificate
32 and has successfully completed two years of prescribing
33 psychotropic medication as certified by the supervising
34 licensed physician. An applicant for a prescription
35 certificate who specializes in the psychological care

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1 of children, elderly persons, or persons with comorbid
2 psychological conditions shall complete at least one
3 year prescribing psychotropic medications to such
4 populations as certified by the supervising licensed
5 physician.

6 *b.* Holds a current license to practice psychology
7 in this state.

8 *c.* Possesses malpractice insurance that will cover
9 the applicant as a prescribing psychologist.

10 *d.* Meets all other requirements, as determined
11 by rules adopted by the board, for obtaining a
12 prescription certificate.

13 2. A psychologist with a prescription certificate
14 may prescribe psychotropic medication pursuant to the
15 provisions of this chapter subject to the following
16 conditions:

17 *a.* The psychologist continues to hold a current
18 license to practice psychology in this state and
19 maintains malpractice insurance.

20 *b.* The psychologist annually satisfies the
21 continuing education requirements for prescribing
22 psychologists, as determined by the board, which shall
23 be no fewer than twenty hours each year.

24 *c.* The psychologist has entered into a
25 collaborative practice agreement with a licensed
26 physician.

27 **Sec. 9. NEW SECTION. 154B.12 Prescribing**
28 **practices.**

29 1. A prescribing psychologist or a psychologist
30 with a conditional prescription certificate may
31 administer and prescribe psychotropic medication
32 within the scope of the psychologist's profession,
33 including the ordering and review of laboratory tests
34 in conjunction with the prescription, for the treatment
35 of mental disorders.

1 2. When prescribing psychotropic medication
2 for a patient, the prescribing psychologist or
3 the psychologist with a conditional prescription
4 certificate shall maintain an ongoing collaborative
5 relationship with the licensed physician who oversees
6 the patient's general medical care to ensure that
7 necessary medical examinations are conducted, the
8 psychotropic medication is appropriate for the
9 patient's medical condition, and significant changes in
10 the patient's medical or psychological condition are
11 discussed.

12 3. A prescription written by a prescribing
13 psychologist or a psychologist with a conditional
14 prescription certificate shall meet all of the
15 following requirements:

16 a. Comply with applicable state and federal laws.

17 b. Be identified as issued by the psychologist as
18 "psychologist certified to prescribe".

19 c. Include the psychologist's board-assigned
20 identification number.

21 4. A prescribing psychologist or a psychologist
22 with a conditional prescription certificate shall not
23 delegate prescriptive authority to any other person.
24 Records of all prescriptions shall be maintained in
25 patient records.

26 5. When authorized to prescribe controlled
27 substances, a prescribing psychologist or a
28 psychologist with a conditional prescription
29 certificate shall file with the board in a timely
30 manner all individual federal drug enforcement agency
31 registration and numbers. The board shall maintain
32 current records on every psychologist, including
33 federal registration and numbers.

34 Sec. 10. NEW SECTION. **154B.13 Board duties**
35 **regarding prescription certificates and conditional**

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1 **prescription certificates.**

2 1. The board shall, in consultation with the board
3 of medicine, adopt rules to carry out the provisions
4 of this chapter relating to prescribing psychologists.
5 The rules shall include but not be limited to all of
6 the following:

7 a. Procedures to obtain a conditional prescription
8 certificate, a prescription certificate, and a renewal
9 of a prescription certificate. The board may set
10 reasonable application and renewal fees.

11 b. Grounds for the denial, suspension, or
12 revocation of a conditional prescription certificate
13 and a prescription certificate, including a provision
14 for suspension or revocation of a license to
15 practice psychology upon suspension of a conditional
16 prescription certificate and a prescription
17 certificate.

18 c. The provision of an annual list of psychologists
19 with prescription certificates and psychologists with
20 conditional prescription certificates that contains
21 the information agreed to between the board and the
22 board of medicine. The board shall promptly notify the
23 board of medicine of psychologists who are added to or
24 removed from the list.

25 d. Any other rules necessary for the administration
26 of this chapter.

27 2. The board shall appoint a prescribing
28 psychologist rules subcommittee comprised of a
29 psychologist appointed by the board, a physician
30 appointed by the board of medicine, and a member of the
31 public appointed by the director of public health to
32 develop rules for consideration by the board pursuant
33 to this section.

34 Sec. 11. Section 155A.3, subsection 35, Code 2016,
35 is amended to read as follows:

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1 35. "Practitioner" means a physician, dentist,
2 podiatric physician, prescribing psychologist,
3 veterinarian, or other person licensed or registered to
4 distribute or dispense a prescription drug or device in
5 the course of professional practice in this state or
6 a person licensed by another state in a health field
7 in which, under Iowa law, licensees in this state may
8 legally prescribe drugs.

9 Sec. 12. Section 155A.23, subsection 1, paragraph
10 c, Code 2016, is amended to read as follows:

11 c. For the purpose of obtaining a prescription drug
12 or device, falsely assuming the title of or claiming
13 to be a manufacturer, wholesaler, pharmacist, pharmacy
14 owner, physician, dentist, podiatric physician,
15 prescribing psychologist, veterinarian, or other
16 authorized person.

17 Sec. 13. Section 155A.24, subsection 14, Code 2016,
18 is amended to read as follows:

19 14. **This section** does not prevent a licensed
20 practitioner of medicine, dentistry, podiatry,
21 nursing, psychology, veterinary medicine, optometry, or
22 pharmacy from acts necessary in the ethical and legal
23 performance of the practitioner's profession.>

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